

23/00483/FUL

135 The Butts

Soham

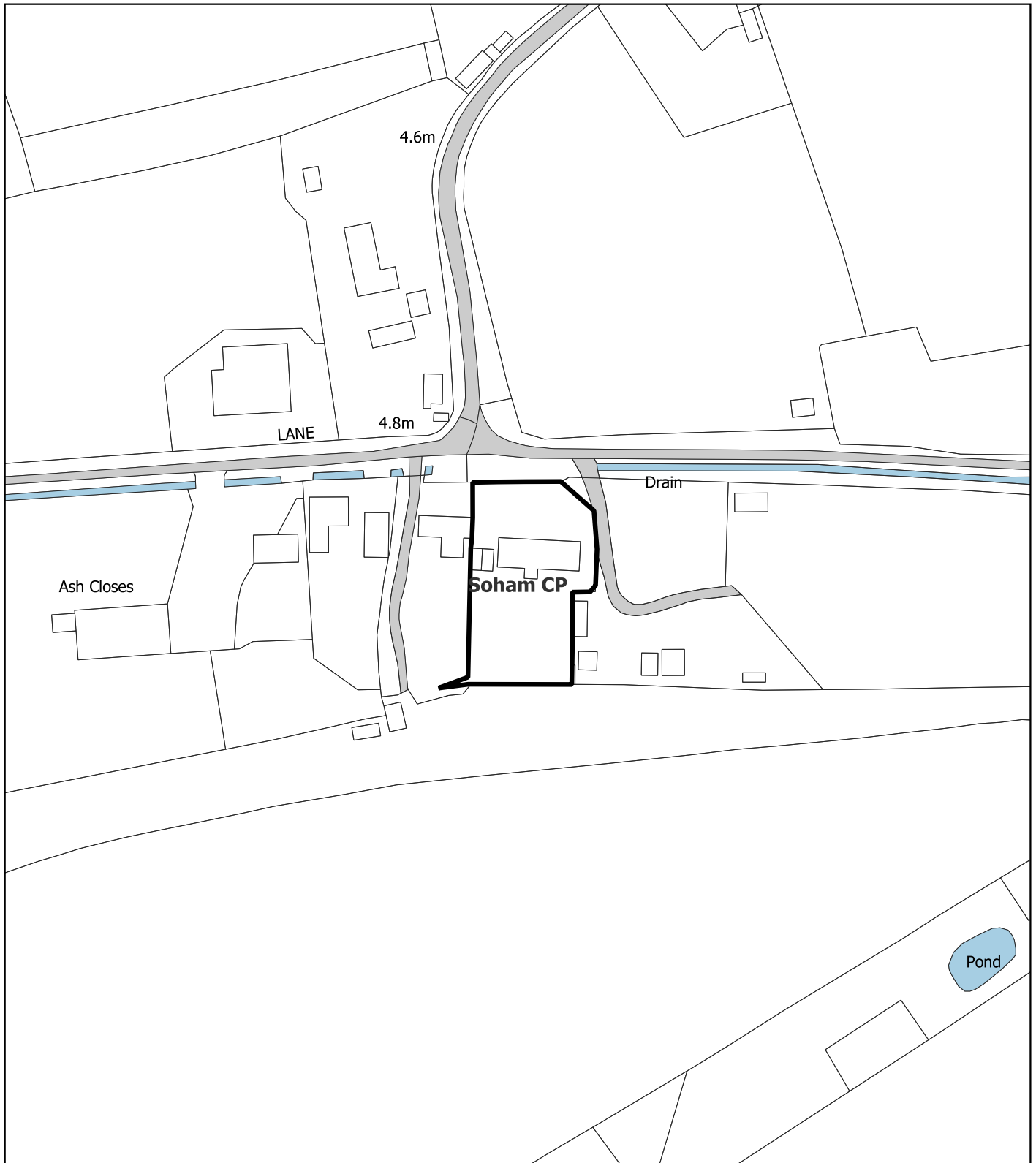
Ely

Erection of outbuilding and associated works - retrospective

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTF5R8GGKFA00>





23/00483/FUL

135 The Butts
Soham



East Cambridgeshire
District Council

Date: 17/07/2023
Scale: 1:1,500



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TITLE: 23/00483/FUL

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Assistant

Report No: Y30

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Site Address: 135 The Butts Soham Ely Cambridgeshire CB7 5AW

Proposal: Erection of outbuilding and associated works - retrospective

Applicant: Mrs E Gabriel

Parish: Soham

Ward: Soham South

Ward Councillor/s: Ian Bovingdon
Lucius Vellacott

Date Received: 20 April 2023

Expiry Date: 15 June 2023

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reason:

1. In the opinion of the Local Planning Authority the development, by virtue of its excessive scale in relation to surrounding buildings, inappropriate materials for a building within a residential curtilage and prominent location close to public rights of way and prominence in the wider countryside; Would fail to visually protect or enhance the existing character and appearance of the surrounding area. The proposal would form a prominent mass of development that would appear un-harmonious with the surrounding built form and would not respect the existing character and appearance of the host dwelling or wider countryside. The development in this regard would conflict with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the aims and objectives of Chapter 12 of the NPPF that seek to ensure that development proposals demonstrate that their scale, form and design and materials create positive, complimentary relationship with existing developments, and that developments compliment local distinctiveness.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks part retrospective householder planning permission for the erection of a domestic outbuilding along with associated works. The development has already commenced, where the steel frame can be seen in situ, however the external walls and roof have not yet been applied. The measurements of the proposed outbuilding are set out in the following table (Table 1):

	Metres	Feet
Ridge Maximum height	c.4.8	c.15.74
Eaves height	c.3.8	c.12.47
Length	c.12.3	c. 40.35
Width	c.7.75	c. 25.43
Internal Floor Area	c.84m ²	c. 904ft ²

- 2.2 The outbuilding will have an overall floor area coverage of approximately 95 square metres (1026 square feet). The proposed material for the external walls and roof is green box profile sheeting.
- 2.3 The current application has been called into Planning Committee by Councillor Bovington on the basis of *"the comments I have seen from the neighbour, the local parish and my detailed knowledge of the site I would like to call this in to committee for a decision as I feel the building permission should be allowed, but with a condition to supply some soft planting to the boundary with number 135A as they have suggested?"*.

The demolition of the original garage actually benefits the light for 135A and the location of the new building has very little impact on them in my opinion...

It would have more impact on the other neighbour who originally owned number 135 and they have no objection?"

- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

- 3.1 Relevant planning history to the application is provided below:

92/00067/OUT

Agricultural Dwelling

Approved

22 June 1992

92/00755/RMA

Horticultural Dwelling

Approved

20 January 1993

00/00413/FUL

Extension forming bedroom, utility and playroom, change of use from agricultural land to garden area

Approved

11 October 2000

Application on Land adjacent to 135 The Butts:

17/01060/FUL

Erection of 3 bedroom bungalow

Approved

22 August 2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises of a detached bungalow on the south-west fringe of Soham, which is located outside the policy defined development envelope. The site is not within a Conservation Area nor within the proximity of a Listed building or a Heritage Asset.

4.2 The site is rural in nature, with open fields to the north and south, however, the application site sits within a small cluster of residential dwellings where The Butts meets Cherrytree Lane.

4.3 The host dwelling is set back from the highway with a front garden, rear garden and driveway to the side of the dwelling.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Soham Town Council - 23 May 2023

'No comment or objection'.

Consultee For Other Wards In Parish - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Enforcement Section - No Comments Received

Ward Councillors – 19th June 2023

Councillor Bovingdon states *"I have been asked to look at this by the client and agent for the landowner. On the basis of the comments I have seen from the neighbour, the local parish and my detailed knowledge of the site I would like to call this in to committee for a decision as I feel the building permission should be allowed, but with a condition to supply some soft planting to the boundary with number 135A as they have suggested?"*

The demolition of the original garage actually benefits the light for 135A and the location of the new building has very little impact on them in my opinion...

It would have more impact on the other neighbour who originally owned number 135 and they have no objection?"

Trees Officer – 19th July 2023

‘From the site photos it is clear that the mature Weeping Willow has suffered some root loss due to the excavations relating to the new driveway luckily this appears to have occurred only at the periphery of the root protection area which this species of tree can tolerate. The excavations for the level change in proximity to the rear hedge appear to have been undertaken at sufficient distance from the hedge so as not to significantly affect it and to allow space for its ongoing maintenance. It would be advisable to mulch the remaining rooting area of the Willow tree with wood chip to improve the soil health as mitigation for the roots lost this could be included in a soft landscaping scheme if one is deemed necessary to aid the integration of this structure into the surrounding area and soften its appearance.’

5.2 A site notice was displayed near the site on 9th June 2023.

5.3 Neighbours – two neighbouring properties were notified and the one response received is summarised below. A full copy of the response is available on the Council’s website.

- Affects the view/over-bearing/over-looking/residential & visual amenity/form and character - the height is the most concern, as above the recommended height of 4m. Also, with the proposed structure material and proposed plan, the building will look out of place and be an eyesore. Ask for something to be put up near the fence line so building cannot be seen, or amend the height.
- Landscape impact/odour issues - concern regarding dust and smells and whether soundproofing is needed for the associated works.
- Loss of privacy – ask what the associated work involves and concerns if this will involve more people or cars arriving at the property.
- Noise sensitive – concern proposed use of building would cause excessive noise and questioned timings of the work and requested building is soundproofed.
- Pollution issues – concern whether associated work would affect pollution.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational Strategy
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction

6.2 Supplementary Planning Documents

Design Guide

Climate Change

6.3 National Planning Policy Framework 2021

2 Achieving sustainable development

4 Decision-making

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

7.0 **PLANNING COMMENTS**

7.1 The main material considerations when determining this application are:

- Visual amenity
- Residential amenity
- Climate Change
- Other material matters

7.2 **Visual Amenity**

7.2.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development. Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.2.2 The National Planning Policy Framework 2021 Paragraphs 126 and 134 require the creation of high quality, beautiful and sustainable buildings and places. They also state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

7.2.3 The Design Guide SPD states that wherever possible an outbuilding should be constructed within Permitted Development Rights. Where a larger building is required, the following criteria will have to be observed:

- The proposed building should be of the minimum size necessary
- The building should take account of the location in which it is to be set. This will affect its design, size, location, and finishing materials. It should not compete in any way, with the host dwelling;
- In countryside locations, where all building is strictly controlled, any domestic outbuilding will be constrained by the same restrictions that apply to other development in such a location. Outbuildings should not have the appearance/volume of a dwelling, as this will inevitably give rise to an unacceptable presence in the countryside, contrary to national policies to protect it;
- In countryside locations, preference should be given to extending an existing dwelling, rather than constructing another building.

- 7.2.4 The host dwelling sits in between a cluster of residential dwellings outside the defined development envelope. Within the immediate area, the host dwelling, and those dwellings either side are single storey bungalows (LPA Ref. 17/01060/FUL is being built out at present), which all look out onto open fields to the rear southern boundary. The plots in this cluster are large and spacious, which also contributes to the countryside setting of these dwellings.
- 7.2.5 The proposed outbuilding will be positioned in the rear garden of the host dwelling in the south-east corner adjacent to the eastern and southern boundaries. It has a double-pitched roof with a maximum proposed height of c.4.8m (15.74ft), length of c.12.3m (40.35ft) and a width of c.7.75m (25.43ft).
- 7.2.6 The Design Guide SPD states that an outbuilding should take account of the location in which it is to be set and this will affect its design, size, location, and finishing materials. It should not compete in any way, with the host dwelling. The outbuilding proposed would form a prominent mass of development that would not relate sympathetically to the character and appearance of the surrounding area. It would dominate the host dwelling due to its height and scale and give rise to an unacceptable presence in the countryside.
- 7.2.7 The overall scale and floor area of the proposed outbuilding is approximately 95m² (1026 square feet). Based on Technical housing standards minimum gross floor areas, this would be equivalent to a two-storey, three-bedroom dwelling and as such, would be contrary to the Design Guide SPD which also states that an outbuilding should not have the appearance/volume of a dwelling.
- 7.2.8 As stated in the NPPF, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The proposed outbuilding is not considered to add any architectural design or features to enhance the host dwelling, given the large proportions of the building, which lack any detailing. The materials proposed of green box-profile sheeting are commensurate of that associated with a commercial building and are not considered a high-quality material that would relate to a traditional domestic building.
- 7.2.9 The Design Guide SPD states that wherever possible an outbuilding should be constructed within Permitted Development Rights, where evidence and experience has indicated that such development is unlikely to give rise to significant planning issues. Under Permitted Development Rights if any part of the building is within 2m of the boundary of the curtilage of a dwelling, then the height limit for the total development is restricted to 2.5m. The proposed building has an eaves height of c.3.8m and a maximum height of c.4.8m, which both exceed the maximum height by a considerable amount.
- 7.2.10 In conclusion, the policies ENV 1 and ENV 2 of the Local Plan make clear that development proposals should seek to provide a complementary relationship with existing development, and should relate sympathetically to the surrounding area. The National Planning Policy Framework (NPPF), 2021 is clear that schemes of a poor design should be refused. It is considered that the proposal is not in keeping with the character and appearance of the area and is therefore contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015 and the NPPF, 2021.

7.3 Residential Amenity

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.3.2 The proposed outbuilding is located along the rear boundary of the host dwelling. Given the nature and siting of the outbuilding, and that no windows are proposed in the development, it is not considered that it will have an adverse impact on neighbouring amenity by virtue of loss of light, loss of privacy, overshadowing, overbearing or overlooking. Therefore, the development is considered to comply with policy ENV2 in respect of the impact on residential amenity.
- 7.3.3 Neighbour comments have been received regarding the loss of privacy concerning more cars or people arriving at the property. The application has been completed as a householder application and as such, has been assessed for domestic residential incidental use and that no intensification of the site is proposed.
- 7.3.4 Reference has also been made in the neighbour comment regards to the loss of view. However, the loss of a view is not a material planning consideration and cannot be taken into account.

7.4 Energy, water efficiency and renewable energy in construction:

- 7.4.1 Local Plan Policy ENV4 states: *'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable'* and *'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'* The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. No measures have been put forward as part of the application. While this does weigh against the application, it would not form a reason for refusal in its own right.

7.5 Other Material Matters

7.5.1 Neighbour Comments

With regard to the comments in respect of noise, pollution and odours. As the proposed outbuilding has been assessed for domestic use, any concerns would be a matter for Environmental Health should these issues occur in the future.

7.6 Planning Balance

It is considered that the proposal would be unlikely to cause a significantly detrimental impact towards neighbouring dwellings. Notwithstanding this, the development fails to comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan. The proposal has a materially detrimental effect on the character and appearance of the area. The proposed outbuilding would dominate the existing site, and form a prominent mass of development that would not relate sympathetically to the host dwelling. This harm has been balanced against the need

for an outbuilding of this scale. It is considered that a smaller scale, less harmful outbuilding could be erected in order to meet a residential need without resulting in harm to visual amenity.

8 **APPENDICES**

None

Background Documents

23/00483/FUL
92/00067/OUT
92/00755/RMA
00/00413/FUL

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>